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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,761	01/29/2007	Heinz-Peter Klein	EL2003/E009	6963

35157 7590 05/02/2008
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EXAMINER

REDDY, KARUNA P

ART UNIT	PAPER NUMBER
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1796

NOTIFICATION DATE	DELIVERY MODE
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05/02/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Attachment to Advisory Action

1. This is in response to the amendment filed 4/25/2008. Claims 1-11 are cancelled; and claim 17 is amended. Claims 12-21 are currently pending in the application.

Response to Arguments

2. Applicant's arguments filed 4/25/2008 have been fully considered but they are not persuasive. Specifically, applicant argues that (A) claim 17 is amended to state that "one or more carbonyl groups are chosen from aldehyde and keto groups"; (B) in contrast to Ball, no crosslinkers are utilized in the present claims; (C) thermal adhesives must adhere onto thermally insulating materials such as expanded polystyrene board which has low surface energy; (D) currently claimed process uses only standard emulsion polymerization and not a sequential polymerization; (E) in Weitzel protective colloid is added up front while polymers in present invention are stabilized with a protective colloid after polymerization; (F) Weitzel 2 teaches that its powders are useful in thermal insulation as cement free building adhesives and such adhesives typically have an approximately neutral pH. In contrast, the powder disclosed by Ball must be used in the presence of alkaline materials; (G) it is not obvious to omit zinc salt of Jodlbauer without nitrogen salt crosslinker of Ball.

With respect to (A), while the claim is amended to recite that the carbonyl groups are chosen from aldehyde or keto groups, the monomers listed (for e.g., ethylene, vinyl acetate, vinyl ester, styrene etc.) do not contain aldehyde or keto groups.

With respect to (B) and (D), the recitation of terms “comprising” and “having” is open ended and can contain other components such as crosslinkers of Ball and include additional process steps of Weitzel. Furthermore, attention is drawn to page 5, lines 1-6, of present specification, wherein it is stated that preference is given to allyl acetoacetate and acetoacetylated hydroxyalkyl (meth)acrylates as aldehyde- and keto-functional monomer units. Ball et al teaches that preferred crosslinkable monomer units include allyl acetoacetate and acetoacetylated hydroxyalkyl (meth)acrylates. Thus, it is apparent that aldehyde and keto group containing monomers of present invention can function as crosslinkers.

With respect to (C), it is noted that the features upon which applicant relies (i.e., thermal adhesives must adhere onto thermally insulating materials such as expanded polystyrene board which has low surface energy) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to (E), attention is drawn to *In re Burhans*, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) wherein court held that selection of any order of

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performing process steps is prima facie obvious in the absence of new or unexpected results.

With respect to (F), it is the examiner's position that there is nothing on record in Weitzel 2 to indicate that pH of adhesives used is approximately neutral. In addition, the term "approximately neutral" is equivalent to "about neutral" and this can mean an alkaline pH. Attention is also drawn to col 7, lines 2-5 of Ball, wherein it is stated that "a prerequisite is the presence of alkaline materials or the possibility of employing elevated temperature to dissociate the salts." Given that, the powder of Ball does not require the presence of alkaline materials as alleged by the applicant.

With respect to (G), the recitation of terms "comprising" and "having" is open ended and can include other components such as nitrogen salt crosslinkers of Ball or omit zinc salts of Jodlbauer.

/Karuna P Reddy/
Examiner, Art Unit 1796

/David Wu/
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